IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5726 of 2007()

CRIME NO.593/2006 OF KOTHAMANGALAM POLICE STATION

: PETITIONER/1ST ACCUSED:

AJI, AGED 28 YEARS,
S/O. MOHANAN, PUTHENPURACKAL HOUSE,
PERUMANOOR KARA, KEERAMPARA VILLAGE.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5726 of 2007

Dated this the 24th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations interalia under Section 498A and 306 I.P.C. The wife of the petitioner committed suicide on 18/9/2006. Allegations are raised that the petitioner was guilty of matrimonial cruelty of the culpable variety punishable under Section 498A I.P.C against the deceased. He had allegedly abetted the commission of suicide by her. Suicide was committed on 18/9/2006. Marriage had taken place on 7/2/2006, submits the learned counsel for the petitioner. The petitioner was arrested on 11/9/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the crime was initially registered under the caption unnatural death. The petitioner was not arrayed as an accused for a number of days after commencement of investigation. Long later, in 2007, the petitioner has been arrayed as an accused and allegations have been raised under Sections 498A and 306 I.P.C. There is no suicide note left by the deceased. The learned counsel for the petitioner submits that the petitioner is not guilty

of any matrimonial cruelty. Unnecessarily, allegations have been raised against the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the investigation is not complete. It is true that there is no suicide note left behind by the deceased. But the materials collected so far clearly indicate that the petitioner was guilty of matrimonial cruelty against the deceased. He allegedly used to come drunk and assault the de facto complainant. It is unable to stand the trauma of such physical and mental cruelty that the deceased had, at last, committed suicide on 18/9/2006, submits the learned Public Prosecutor. The investigating officer may be given some further time, at any rate, to complete the investigation, submits the learned Public Prosecutor.

4. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is granted reasonable further time to complete the investigation and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions.

6. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 03/10/2007.The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007